THE EVENING NEWS

HOME EDITION

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VETS GIVE STEPHENS OVATION

NEW SIGNAL FROM MINE!

LEGION AND AUXILIARY HOLD FIRST MEETINGS OF EXCITING CONCLAVE

Ear-splitting ovations and equally impressive silences spread over the fourth state convention of the American Legion when over 12000 delegates from 246 posts of the state assembled in the San Jose high school auditorium this morning for the first session of the convention.

Three standing ovations, that made the auditorium ring as it seldom has before, were accorded Governor William D. Stephens, California's "war governor," once when he walked up the central aisle, once during his speech and once when he left the convention to address the third state convention of the Women's auxiliary of the American Legion, in session simultaneously in the Morris Dailey auditorium of the State Teachers' college.

Two impressive periods of absolute silence marked the morning's session, once when the great convention obwed its head for 20 minutes in honor of "the buddies who had made the supreme sacrifice," and once when for ten seconds they honored in the same manner the "pioneers of this state, who had made this state possible and who are as much soldiers and veterans as we."

Wished He Was Member

"I had a selfish feeling as I sat here and watched this great convention of veterans. I felt strongly again the feeling I have often had of wishing to be a member of this noble organization," stated Governor Stephens in the principal speech of the morning. "That cannot be, I know, unless the American Legion provides a post of war governors.

"I am not only your governor; I am your friend." At this statement the convention broke into wild cheers. "In the past 12 months I have made about 1000 speeches and in 995 of them, at least, I have advocated the soldiers' bond issue, to be on the ballots next November. It will not only provide homes and farms for the soldiers, but, being based o n asound financial basis, will build up this state. I am proud that I am addressing my friends, veterans who are not asking one penny as a gift from the state, but who are seeking to build up that state.

"Continue the good work for the good of California and the United States. Not only continue your reverence for the flag, but see that no one else attacks it. Some people have criticized me. They have called me the father of the criminal syndicalism law in this state. I am proud of whatever I have done in establishing that law. I hope that you will continue to keep the state free from the rocks that come to a ship in the storm."

Preceding the governor's speech, the convention was noisy with the singing of "Hail, Hail, the Gang's All Here," and greetings across the hall as the delegates assembled. State Commander John R. Quinn, in the chair, called the meeting to order and State Chaplain W. E. Edmonson invoked divine blessing on the assemblage, asking divine pardon for all sins and errors and asking that a spirit of "buddyism" become infused in the two groups of labor and capital in the present labor difficulties. He asked that aid come to those out of work in the country today and that a spirit of liberality infuse those representing capital.

Due to sickness City Manager C. B. Goodwin was unable to extend the greetings of San Jose to the assemblage. Representing him Superintendent of Schools Walter L. Bachrodt welcomed the convention to the city with a few well-chosen words.

Quinn Speaks

Following Gov. Stephens' address State Commander John R. Quinn answered with a very short and informal address, stating that he hoped "something constructive would come out of this convention and that nothing might be done here that we might later be sorry for."

Archer Bowden, city attorney for San Jose and a member of the state legion executive committee, presented the report of the executive committee on special rules and organizations. The report and the announcement of the week's program was accepted.

The report of the rules committee of the state executive committee, presented by Daley Staffer, drew forth a little controversy, and with the defeat one, the rules remained largely as they of two amendments and passing of originally stood: (1) That voting should be by individuals and not by units; (2) that resolutions would not be considered by the resolutions committee later than the closing of tonight's sessions, except by a majority vote of the committee; (3) that roll call would only be taken on vote of 20 per cent of those present at any one session of the convention.

Auxiliary Meeting

The Morris Dailey assembly hall of the State Teachers' college was the mecca for hundreds of American Legion auxiliary members today, while their brothers and husbands flocked to the high school auditorium. Long before the opening session at 9:30 a. m., crowds of Legion auxiliary members were filling the teachers' college quadrangle and the assembly hall.

The meeting was opened promptly at 9:30 a. m. by Department President Florence E. Kelly. Department chaplain offered the opening prayer, all the concourse standing. A moment of silence followed.

Lynch Speaks

City Clerk John Lynch addressed the meeting then in behalf of City Manager Clarence C. Goodwin, who was unable to attend. Lynch welcomed the visiting ladies and tossed the keys of the city at their feet, expressing heartiest welcome with his incomparable and graceful Irish tongue.

Department President Florence Kelly responded to the greeting presented by City Clerk Lynch.

National Greetings

Mrs. J. D. Marks, now national vice president of the Auxiliary and the past department president of the department of California, presented greetings from the national convention of the Auxiliary. Department President Mrs. Kelly read a telegram of congratulation from the national convention in session at New Orleans. All the speakers of the morning received hearty applause.

The tempestuous, almost endless ovation that Governor William D. Stephens received as he appeared in the hall far surpassed any outburst of applause ever heard in this huge assembly hall. "We received him with open arms," said the charming Auxiliary members. And they did. The hall re-echoed with their cheers and handclapping.

When the ovation had quieted down somewhat, the governor addressed the ladies simply, briefly, powerfully. He himself was deeply moved, and his eyes were moist as he mounted the platform.

Tense with emotion as had been the address given to the ex-service men gathered in the high school auditorium, this meeting was even more dramatic as the governor—with the knowledge that he was no longer to be in a position to carry on his most cherished measures for the benefit of the stalwart democracy represented by the Legionaires—made what was practically his farewell address to them.

Other minor business occupied the morning sessions, which were closed at about 11:15 a. m. Luncheon parties formed before the afternoon sessions, which opened promptly at 1:30 p. m. Reports of committees and officers occupied most of this session.

The ladies of the auxiliary of San Jose Post, No. 89, American Legion, scheduled a reception and tea to the visiting ladies from 3:30 to 5:30 o'clock this afternoon on the spacious lawns of the State Teachers' college quadrangle.

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DAY EXPECTED TO QUIT HIGH COURT

By the Associated Press.

WASHINGTON, Sept. 5.—Retirement from the supreme court bench of Associate Justice William H. Day is expected, it was intimated by officials about the white house, today.

Babe Clouts Out His 29th Circuit

By the Associated Press.

NEW YORK, Sept. 5.—Babe Ruth celebrated his return on the diamond today by driving out his 29th home run of the season in the first inning of the game today with Boston.

SAY INJUNCTION NO ATTACK UPON CITIZEN RIGHTS

By the Associated Press.

WASHINGTON, Sept. 5.—While the Chicago injunction guaranteeing the country against interference in its transportation will be pressed determinedly by the government, it was stated by high officials of the administration today, it should not be construed as abating or abrogating one whit the constitutional privileges granted citizens, they state.

President Harding stated that it did not in any way interfere with the rightful privileges of men on strike with those of other citizens and with no activities consistent with constitutional liberty.

SUTHERLAND MADE JUSTICE

By the Associated Press.

WASHINGTON, Sept. 5. — Former Senator George Sutherland ,Utah, nominated by President Harding as associate justice of the supreme court of the United States, was confirmed by the senate within ten minutes after the nomination was announced.

CONTRACTS FOR STREET BUILDING ARE GIVEN OUT

The supervisors today let contracts for more new roads in the county. "Jack" Adams carried off over $50,000 of new contracts. He was the only bidder. Adams got the contract to put oil macadam on Naglee av. for 5036 feet. Cost to be $13,638. He also got the contract to macadamize King rd. from Story to Tully rds. for $19,-875.50. Work will start at once.

The supervisors also called for bids to improve Washington st. in Santa Clara to connect Bascom av. with Franklin st. Three bids are called for. Concrete, black base and macadam. Bids are to be in not later than Oct. 2.

W. H. Brown, representing the welfare committee, made an appeal for funds to help maintain the base hospital at Palo Alto. He said $3000 would be needed to carry the institution through, though Brown didn't ask for this amount from the supervisors. The matter was taken under advisement.

Supervisor Henry Ayer, who has been quite ill, was able to attend today's meeting.

LEGIONERS FACE HOT CONTESTS FOR POSITIONS

A number of hot contests loom during the convention, according to the rumors filtering out from the convention headquarters. The fight for the various posts of state officers is one of the hot contests, while the other fiery battle centers around the location of next year's legion convention.

Walter E. Garrison of Lodi Post No. 22, threatens to sweep all before him for the post of commander of the department of California for the ensuing year.

Our own Archer Bowden is being pushed for the post of one of the vice-commanders of the American legion.

Girl in Field

One of the strongest bids for office is presented by the backers of Miss Anna (Nan) Cardoza, for the of the department. Miss Cardoza is now the vice-commander of Santa Barbara post No. 49, and judging by the firm and united support she is receiving not only from her own post but from every outside organization so far heard from, will get the post.

Eureka is making a strong bid for the convention next year. The Eureka delegation comes strongly organized and ready to grab the meet if at all possible.

LOVELY ARTICLES MADE BY VETERANS

Hundreds of dainty and serviceable household articles are on display today at the State Teachers' college quadrangle, the articles being the handiwork of mained and disabled veterans of the public health service hospital at Palo Alto.

Scores of Legion auxiliary members thronged about the loaded tables this morning an dexclaimed with "ohs" and "ahs" over the daintiness and usefulness of the many articles shown. Hammered brass work of rare beauty, knitted bath mats, knitted shawls and other garments, and wonderful examples of basket weavers artistry complete the display.

The Palo Alto base hospital committee, which has served so valiantly and faithfully in the relief of the wounded and dying soldiers and their loved ones, is sponsoring the display and will conduct a sale of the articles this afternoon and through the entire convention—as long as the articles last. The public at large is invited to attend and—at least—view, and perhaps buy, of the large variety of household needs and utilities displayed.

MORE BLASTS HEARD FROM MINE DEPTHS

By the Associated Press.

JACKSON, Sept. 5.—Two more blasts were heard in the depths of the Argonaut mine last night by the rescuers, working in the Kennedy mine, indicating that the 46 entombed miners are still alive. Other blasts were heard Saturday night.

Robert Lighter, one of the miners working with rescuers on the 3600-foot level in the Kennedy mine, during the night heard the blasts coming from the 3900-foot level in the Argonaut mine. Three-quarters of an hour later from a still lower depth he heard another blast. The men working on the 3900-foot level also heard the answering blasts. It is believed that the entombed miners are blasting along the same tunnels which rescuers are working to speed the work or else are simply letting the rescuers know that they are still alive.

While mine officials have held that it could not possibly be until Thursday that the rescuers would break through into the Argonaut, the rescuers have been working at such a frantic pace that they have high hopes that they may reach the Argonaut miners by tomorrow.

AT THE ARGONAUT MINE, Jackson, Cal., Sept. 5.—(United Press.)—Rescue workers expect to break through late tomorrow night to 47 miners who have been entombed for nine days.

As the party started digging today it was estimated that only 17 feet of rock must be blasted before soft dirt is reached.

Air shafts were laid today on the surface from the Argonaut to the Kennedy mine to increase air pressure in the Kennedy shaft.

Woman Awake Five Days

AT THE ARGONAUT MINE, Jackson, Cal., Sept. 5.—(United Press.)—"There will surely be some word from them tonight. I must be awake when it comes."

And then the next morning—

"I know the day cannot pass without news from them, and we will stay up to hear it."

Every night and every morning Mrs. Catherine Miller has said it. She has not slept, except for brief seconds when she was overcome in spite of herself since her husband and 46 men were trapped by fire in the Argonaut mine shaft nine days ago.

It is her husband on whom the town is depending to bring the buried men out alive. It is he who saved 25 men from death in a mine fire in Butte, Mont., years ago.

Mrs. Miller had never known of her husband's experience until this week.

(Continued on page 2)

AMERICANS CINCH CUP

By the Associated Press.

FOREST HILLS, N. Y., Sept. 5. — The United States retained the Davis cup, symbolizing the world championship of team tennis, when William Johnston of San Francisco defeated Gerald Patterson of Australia in three straight sets, 6-2, 6-2, 6-1.

New Panama Treaty Ordered By Harding

WASHINGTON, Sept. 5.—Abrogation of the present treaty arrangement with Panama, which he said was intended to operate only during the construction of the Panama canal, and the negotiation of a new treaty with that government, was recommended to congress today by President Harding.

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ANDREW HILL GIVEN SOLEMN FINAL RITES

With funeral services characterized by the impressive simplicity which marked his whole life, Andrew P. Hill, known throughout the state as the untiring "saviour of the big trees," was given final rites today at 2 o'clock at the parlors of the San Jose Undertaking Co.

Hon. E. A. Hayes and Rev. Dr. Charles Pease, two of Hill's closest friends, conducted the funeral services, followed by a service by the Pioneer society of which Hill was a member and a past president. Following the services the body of the deceased was taken to San Francisco for cremation.

Full of Vigor

Though 69 years old at the time of his death in Pacific Grove, day before yesterday, Hill was full of plans for starting a campaign to add another 7000-acre group of redwoods, the Butano group, to the Redwood Basin. He talked optimistically and happily of his future plans though he was all the time in the agony of pain and knowledge of approaching death from a cancer of the liver and lung which also affected his pancreas and stomach. He had been ill for several months but the exact nature of the malady was not known until examination by a specialist in Pacific Grove disclosed the dread nature of the disease from which he died four days later.

He celebrated his 69th birthday Aug. 9 under the big trees he loved so much. After being appointed postmaster at Redwood Basin last March he took charge immediately but was soon stricken with his last illness which necessitated his return to his home, 1350 Sherman st., San Jose. He was, however, able to return to the basin to celebrate his birthday.

Coming to California at the age of 14 from his birthplace, Valpariso, Ind., Hill lived with his uncle, A. H. Rose, a large San Joaquin valley land holder, when Hill's father died a few years after they reached California. He began his college training at Santa Clara college in 1873 but was forced to discontinue his work when floods and business reverses came to his uncle. He then worked for another uncle, a large San Luis Obispo cattle raiser.

Studied Painting

Though his uncle did not sympathize with him, Hill, with his small savings, went to the Hopkins School of Art in San Francisco to study painting. Here he met the French portrait painter, Lucere, with whom he studied and with whom he was commissioner to paint the portraits of Nevada governors.

Hill's great canvas, "Crossing the Plains," formed one of the chief points of interest in the California building at the exposition. It now hangs in the Capitol National bank in Sacramento and is soon to be hung in the state capitol. During the recent "days of '49" celebration it was one of the principal features.

He began his life's work of saving the redwoods in 1898 when he became shocked, while on a photographing trip in the Redwood Basin, that this beauty spot was in private hands and might be destroyed at any moment. Facing every imaginable set-back he spent the rest of his life making the basin a state reservation and later securing personally the subscription of a fund of $7600 which made the survey and construction of the road into the area possible.

The deceased leaves a devoted widow, Mrs. Florence W. Hill; two sons, Andrew P. Hill, Jr., of Palo Alto and Frank E. Hill of New York, and three grandchildren, Birdella, daughter of A. P. Hill, Jr., and Russell and Annabell, children of Frank E. Hill, an editorial writer on the New York Globe.

The Unitarian church, of which Mr. Hill was a member, is to arrange to have a tree in the Big Basin, where were so many of his forest friends, dedicated to him. The ashes of the dead dreamer and idealist will be scattered at the foot of the redwood monarch which will have the honor of forming his monument.

DOUGHTNUT GIRLS FEATURE MEETING

The "doughnut lassies" of the Salvation Army are very much in evidence today at the American Legion convention hall. The same kind of doughnuts, made from the same famous world war recipe that won them renown in the muddy blood-stained fields of France, are being served to the American Legion lads. Pretty, blushing "blood and fire" lassies with their prim, quaint, withal comely bonnets, served cold drinks and sugary doughnuts to the doughboys of four and five years ago.

All through the convention these doughnuts will still be distributed by the Salvation Army. Now that the strain of war is past, the conditions are reversed—the doughnuts are no longer given away. They are being sold for a very modest price, and the proceeds are being turned over to the worthy charities of the Salvation Army. Needless to say, one of the most popular spots in town is the Salvation Army booth.

AUTOS BANNED ON FIRST STREET DURING PARADE

Chief of Police Black this morning ordered that, owing to the congestion which will be caused during the American Legion parade, to be held tomorrow, that during the hours of the parade no machines will be allowed to park on First st., between Williams and Bassett sts., the line of countermarch.

CANVASS OF VOTES ENDED

The supervisors today finished their canvass of the election returns. They have been sitting as a board of canvassers since last Thursday. If other counties did as well by him as his home county, Attorney Chauncey Tramutolo will have the honor of warming one of the seats of the supreme court for eight days next January. Two hundred and thirteen people wrote in the name of Tramutolo for supreme judge. Chauncey would have received more had he not declared himself out the last minute.

City Councilman D. M. Denegri can also feel honored, for his name was written in 614 times for congress.

The official returns were:

Governor: Richardson, 11,786; Stephens, 8145.

Senator: Moore, 10,124; Johnson, 9944.

Chief Justice: Wilbur, 10,072; Lawler, 10,025.

Justice: Kerrigan, 10,298; Seawell, 9827; Sloane, 9217; Shurtleff, 6898.

Coroner: Williams, 13,946; Noble, 11,056.

Surveyor: Chandler, 13,945; Finley, 7999.

Supt. of Schools: Hancock, 13,035; Howe, 11,655.

Supervisor: Roll, 5021; Arnerich, 1902.

Supervisor: Hecker 1515; Bradley, 397; Martin, 835.

Prof. Frank D. Angell of Stanford had 23 writen ins for congress, and Dana Thomas 62 on the Democratic ticket.

Twenty-six thousand seven hundred and eighty-three voters went to the polls election day.

BONUS TAKES SECOND PLACE

WASHINGTON, Sept. 5.—The bonus report will not be submitted to congress by the house and senate conferees until after the tariff bill is disposed of, the joint conference committee decided today. Senator Smoot, Utah, joined with four house conferees, is blocking consideration of the bonus while Senators McCumber, Simmons and Walsh of Massachusetts supported the motion to displace the tariff. The vote was five to three.

This means that the tariff, which is expected to be reported out the latter part of the week, will be held continuously before the committee. No effort now can be made to work on the bonus report until the tariff is out of the way.

GOMPERS IN HARD RAP ON INJUNCT'N

PHILADELPHIA, Pa., Sept. 5. — (United Press.) — Citing the Clayton anti-trust act, which states emphatically that "labor is not a commodity," Samuel Gompers, president of the American Federation of Labor, in a Labor day address before 2000 union men and their families here, attacked the legality of Attorney General Daugherty's injunction against the striking railroad shopmen.

Thundering denunciation of such action, the "grand old man of American labor" declared that the Clayton act forbids the issuance of an injunction in any dispute unless irreparable injury is being done."

"Men wonder at the impatience, unrest and resentment in these times," he said. "All these combinations of high finance and big business are making more radicalism; indeed, it is a manufacturing plant of radicalism in this country."

Charges Husband With Many Offenses

Charging that her husband, Orrin L. Nye, has compelled her to live in a tent and in an unsanitary shack at Palo Alto and Menlo Park, respectively, and that he has repeatedly beaten and cursed her without provocation, Edith C. Nye today brought suit for divorce from her husband in the superior court of Santa Clara county. Mrs. Nye claims that on one occasion her husband struck her in the stomach with a saw and that he also threatened to strike her with a hammer. She also alleges that her husband has beaten their two children, Orrin L., Jr., and Muriel, aged 6 and 4 years respectively, without cause.

The plaintiff, who is represented by Attorney Edgerton D. Lakin of Palo Alto, prays for divorce, division of community property, $75 per month alimony, $25 costs and $150 attorney's fees.

GOOD NEWS FOR CITY'S TAX PAYERS

San Jose tax payers can cheer up. Taxes are coming down.

The supervisors today fixed the tax rate for both the city and county. This year San Jose pai da tax rate of $4.48; next year San Jose will have a tax rate of $4.30, a decrease of 18 cents. San Jose's county tax rate will be $1.72, special school tax, $1.13, and municipal rate, $1.45.

The decrease in San Jose's tax will be due to a decrease in the special school tax, which was $1.24, as against $1.13 this year. The supervisors today fixed the tax rate, inside the city, at $1.72 and outside the city, $2.15, which was the same as last year.

EX-KAISER TO WED SHORTLY

By the Associated Press.

LONDON, Sept. 5.—The engagement of the former German Kaiser to Princess Hermine of Reuff, 34-year-old widow, was announced today, according to the Daily Mail's Berlin correspondent. The engagement will not be celebrated, the report adds, until after the birthday of the late ex-kaiserin on Oct. 22. The widow is the mother of five children, the eldest 14 years old. She owns large estates in Silesia.

Dempsey Goes East To Sign Wills On

MICHIGAN CITY, Ind., Sept. 5.—Jack Dempsey and his manager, Jack Kearns, left here today for New York, prepared to close a match with Harry Wills, negro heavyweight, and force the promoters who have been agitating a Dempsey-Wills fight to show their hands.

THE WEATHER

U. S. Department of Agriculture, Weather Bureau.

Forecast: Fair tonight; Wednesday, fair and warmer.

Temperature—At noon today, 73. Highest yesterday, 73. Lowest this morning, 53.

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